

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUDY M. FINN,

Plaintiff,

vs.

NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

Defendant.

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4:06cv3269

MEMORANDUM AND ORDER

This matter is before the court sua sponte upon review of the complaint in the above-entitled case. It has come to the court's attention that the claims asserted by the plaintiff, Judy M. Finn, in this action are related to the plaintiff's claims in Case No. 4:06cv3268, Finn v. Jefferson Pilot Financial, a case which is pending on the docket of Magistrate Judge David L. Piester. The factual context of both complaints is very similar. In both, the plaintiff asserts that she was employed by Pathology Medical Services, P.C. until January 31, 2003; that on her last day of employment, the plaintiff had heart surgery, and that the respective defendant in each case denied the plaintiff's claim for benefits under an insurance policy in which "disability" entitled the plaintiff to certain benefits or waiver of premiums. In each case, the plaintiff claims an arbitrary and capricious denial of her rights under the respective policy and possibly under federal law (ERISA).

To avoid the possibility of confusion or inconsistent outcomes, the Clerk of Court shall arrange for the assignment of Case Nos. 4:06cv3268 and 4:06cv3269 to the docket of the same judge, after complying with applicable case reassignment procedures.

IT IS SO ORDERED.

DATED this 27th day of November, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge